



Attorney Docket No.: BWT06-04(Lein)

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel John Daly
Serial No.: 10/576,718
For: OCULAR PROPERTY MEASURING APPARATUS AND METHOD
THEREFOR
Filing Date: April 21, 2006
Examiner: Not Yet Known
Art Unit: Not Yet Known
Conf. No.: Not Yet Known

Certificate of Mailing Under 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: **MAIL STOP AMENDMENT**, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on:

Date: August 3, 2006

By: Penny A. Coelho
(Typed or printed name of person mailing
Document, whose signature appears below)

Signature: _____

MAIL STOP AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

Enclosed is/are:

- [x] Transmittal Letter (this form, 2 pages, in duplicate), Total Pages: 4;
- [x] Information Disclosure Statement, Total Pages: 3;
- [x] PTO-1449 Form, Total Pages: 4;
- [x] A Copy of the cited references are enclosed except for those which qualify under 37 CFR 1.98(a)(2)(i), Total Hard Copy(ies) Provided: 33;
- [x] Return Receipt Pre-paid Postcard (in duplicate), Total Postcards: 2;
- [x] Authorization to charge Deposit Account No. 50-3735, if required.

- 2 -

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this submission, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

If the enclosed papers or fees are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,



Christopher J. Lutz, Esq.
Attorney for Applicants
Registration No.: 44,883
Chapin Intellectual Property Law, LLC
Westborough Office Park
1700 West Park Drive
Westborough, Massachusetts 01581
Telephone: (508) 616-9660
Facsimile: (508) 616-9661

Attorney Docket No.: BWT06-04(Lein)

Dated: August 3, 2006



Attorney Docket No.: BWT06-04(Lein)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

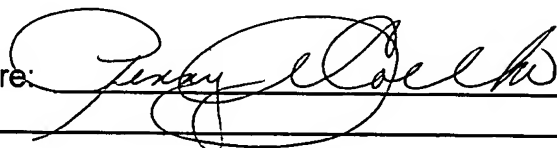
Applicant: Daniel John Daly
Serial No.: 10/576,718
For: OCULAR PROPERTY MEASURING APPARATUS AND METHOD
THEREFOR
Filing Date: April 21, 2006
Examiner: Not Yet Known
Art Unit: Not Yet Known
Conf. No.: Not Yet Known

Certificate of Mailing Under 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: **MAIL STOP AMENDMENT**, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on:

Date: August 3, 2006

By: Penny A. Coelho
(Typed or printed name of person mailing
Document, whose signature appears below)

Signature: 

MAIL STOP AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is submitted:

☐ under 37 CFR 1.129(a), or (If IDS filed as first/second submission after Final Rejection);

☒ under 37 CFR 1.97(b), or (If IDS Filed within three months of filing national application; or date of entry of the national stage in international application; or before mailing date of first office action on the merits; whichever occurs last);

- 2 -

- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
 - ☐ a \$180.00 fee under 37 CFR 1.17(p), or (If filed after the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
 - ☐ a Petition under 37 CFR 1.97(d)(2), and
 - ☐ a \$130.00 petition fee set forth in 37 CFR 1.17(i). (If IDS filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)
 - ☐ Applicant requests that the attached IDS and cited reference(s) _____ be placed in the application filewrapper. (If IDS filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Enclosed herewith is Form PTO-1449:

- ☒ Copy of the cited references are enclosed except for those which qualify under 37 CFR 1.98(a)(2)(i).
- ☐ Copy of cited references are enclosed except those entered in a prior application, having U.S. Serial No. _____, and references that are not required to be submitted under 37 CFR 1.98.
- ☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

- 3 -

- ☒ Pursuant to the Official Gazette Notice of August 5, 2003 the requirement under 37 CFR 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication is waived for all U.S. national patent applications filed after June 30, 2003.

Concise Explanation Requirement (required for non-English references):

- ☒ The "concise explanation" requirement for reference(s) under 37 CFR 1.98(a)(3) is satisfied by:
- ☐ the explanation provided on the attached sheet.
 - ☐ the explanation provided in the Specification.
 - ☐ submission of the enclosed International Search Report.
 - ☒ the enclosed English language abstract.

It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☒ No fee is required for this Information Disclosure Statement.
- ☐ Enclosed is a check for \$180.00, which covers the Information Disclosure Fee.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3735.

Respectfully submitted,



Christopher J. Lutz, Esq.
Attorney for Applicants
Registration No.: 44,883
Chapin Intellectual Property Law, LLC
Westborough Office Park
1700 West Park Drive
Westborough, Massachusetts 01581
Telephone: (508) 616-9660
Facsimile: (508) 616-9661

Attorney Docket No.: BWT06-04(Lein)

Dated: August 3, 2006

PTO-1449 REPRODUCED				ATTORNEY DOCKET NO. BWT06-04(Lein)		APPLICATION SERIAL NO. 10/576,718	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)				APPLICANT Daniel John Daly			
				FILING DATE April 21, 2006		GROUP Not Yet Known	
U.S. PATENT DOCUMENTS							
EXAM- INER INI- TIAL		DOCUMENT NUMBER	DATE mm/dd/yy	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE
		US2002/0171804 A1	11/21/02	Rathjen	351	221	07/02/01
		US2003/0211625	11/13/03	Cohan	436	95	04/01/03
		US2003/0225321	12/04/03	Cote	600	318	05/27/03
		US2003/0233036	12/18/03	Ansari	600	316	06/14/02
		US2004/0080759	04/29/04	Shaver	356	609	10/15/03
		US2004/0260159	12/23/04	Gerlitz	600	319	08/12/04
		US2004/0087843	05/06/04	Rice	600	319	08/15/03
		US2004/0138539	07/15/04	Jay	600	322	01/07/04
		US2004/0152963	08/05/04	March	600	319	03/26/04
		US2004/0257585	12/23/04	Cornsweet	356	517	02/25/04
		3,958,560	05/25/76	March	600	319	11/25/74
		3,963,019	06/15/76	Quandt	600	319	11/24/74
		4,014,321	03/29/77	March	600	319	10/06/75
		4,154,114	05/15/79	Katz	73	629	12/02/77
		4,407,008	09/27/83	Schmidt	348	79	10/07/81
		4,750,830	06/14/88	Lee	351	211	11/29/85
		4,806,004	02/21/89	Wayland	359	389	07/10/87
		5,209,231	05/11/93	Cote	600	310	11/02/90
		5,433,197	07/18/95	Stark	600	319	09/04/92
		5,553,617	09/10/96	Barkenhagen	600	318	01/20/95
		5,582,168	12/10/96	Samuels	600	407	01/22/93
		5,785,651	07/28/98	Kuhn	600	310	06/07/95
		5,820,557	10/13/98	Hattori	600	319	02/27/97
		5,880,465	03/09/99	Boettner	250	234	05/31/96
		5,961,449	10/05/99	Toida	600	319	08/24/98
		6,066,847	05/23/00	Rosenthal	250	252.1	02/01/94

PTO-1449 REPRODUCED INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)				ATTORNEY DOCKET NO. BWT06-04(Lein)		APPLICATION SERIAL NO. 10/576,718	
				APPLICANT <div style="text-align: center;">Daniel John Daly</div>			
				FILING DATE <div style="text-align: center;">April 21, 2006</div>		GROUP <div style="text-align: center;">Not Yet Known</div>	
U.S. PATENT DOCUMENTS							
EXAM- INER INI- TIAL	DOCUMENT NUMBER	DATE mm/dd/yy	NAME	CLASS	SUB-CLASS	FILING DATE IF APPROPRIATE	
	6,152,875	11/28/00	Hakamata	600	319	11/28/98	
	6,181,957	01/30/01	Lambert	600	319	07/12/99	
	6,187,599	02/13/01	Asher	436	531	07/07/98	
	6,188,477	02/13/01	Pu	356	491	05/04/99	
	6,267,477	07/31/01	Karpol	351	221	08/21/98	
	6,382,794	05/7/02	Lai	351	212	9/27/99	
	6,424,850	07/23/02	Lambert	600	319	10/16/00	
	6,442,410	08/27/02	Steffes	600	319	06/09/00	
	6,574,501	06/03/03	Lambert	600	473	01/09/01	
	6,585,723	07/01/03	Sumiya	606	5	09/02/99	
	6,836,337	12/28/04	Cornsweet	356	517	09/19/02	
	6,853,854	02/08/05	Proniewicz	600	319	01/21/00	
	6,934,035	08/23/05	Yang	356	485	12/18/01	
	6,961,599	11/01/05	Lambert	600	318	03/25/03	
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION YES NO	
	EP 0589191	08/01/84	UK	G01B	11/24	X	
	GB 2 144 537	03/06/85	GB	G01B	08/01/84	X	
	WO 93/07801	04/29/93	PCT	A61B	5/00	X	
	WO 97/13448	04/17/97	PCT	A61B	-	Abstr- act only	
	WO 99/44496	09/10/99	PCT	A61B	5/00 3/117	X	
	WO 00/60350	10/12/00	PCT	G01N	33/483	X	
	WO 2004/034894 A1	04/29/04	PCT	A61B	3/10	X	
	WO 2005/120334	12/22/05	PCT	A61B	5/00	X	
	WO 2004/064628	08/05/04	PCT	A61B	5/00	Abstr- act only	

PTO-1449 REPRODUCED		ATTORNEY DOCKET NO. BWT06-04(Lein)	APPLICATION SERIAL NO. 10/576,718
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary)		APPLICANT Daniel John Daly	
		FILING DATE April 21, 2006	GROUP Not Yet Known
		OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)	
		Anumula, H., Nezhuvungal, A., Li, Y., Cameron, B., "Development of a Non-invasive Corneal Birefringence Compensated Glucose Sensing Polarimeter", Proc. SPIE Vol. 4958, p. 303-312, Advanced Biomedical and Clinical Diagnostic Systems, Jul 2003	
		Arnold, M., "Noninvasive Laser Measurement of Blood Glucose in the Eye: A Bright idea or an Optical Illusion", Diabetes Technology and Therapeutics, Vol. 1, No. 2, 1999	
		Baba, J., Cameron, B., Cote, G., "Effect of temperature, pH, and corneal birefringence on polarimetric glucose monitoring in the eye", Journal of Biomedical Optics 7(3), 321 - 328 (July 2002)	
		Baba, J., Cote, G., "Dual-detector polarimetry for Compensation of Motion Artifact in a Glucose Sensing System", Optical Diagnostics and Sensing of Biological Fluids and Glucose and Cholesterol Monitoring II, Proc. SPIE Vol. 4624 (2002), pp 76 - 80	
		Bockle, S., Rovati, L., Ansari, R., "Polarimetric glucose sensing using the Brewster-reflection off the eye lens: theoretical analysis", Proceedings of SPIE - Volume 4624 Optical Diagnostics and Sensing of Biological Fluids and Glucose and Cholesterol Monitoring II, May 2002, pp. 160-164	
		Borchert M, Storrie-Lombardi M, Lambert J "A non-invasive glucose monitor: preliminary results in rabbits" Diabetes Technology & Therapeutics 1999; 1: 145-151	
		Cameron, B., Gorde, M., Satheesan, B., Cote, G., "The Use of Polarized Laser Light Through the Eye for Noninvasive Glucose Monitoring", Diabetes Technology and Therapeutics, Vol. 1, No. 2, 1999	
		Chou C, Lin P-K "Noninvasive glucose monitoring with optical heterodyne Technique" Diabetes Technology & Therapeutics 2000; 2: 45-47	
		Cote, G., "Non-Invasive and Minimally Invasive Optical Monitoring Technologies", Symposium of Innovative Non- or Minimally Invasive Technologies for Monitoring Health and Nutritional Status in Mothers and Young Children, August 2000, Children's Research Center, Baylor College of Medicine, Houston, TX.	
		Khalil, O., "Non-Invasive Glucose Measurement Technologies: An Update from 1999 to the Dawn of the New Millennium", Diabetes Technology and Therapeutics, Vol. 6, No. 5, 2004, pp. 660 - 697	
		Li, H., Petroll, W., Moller-Pederson, T., Maurer, J, Cavanagh, H., Jester, J., "Epithelial and Corneal Thickness Measurements by in vivo confocal microscopy through focusing (CMTF)", Current Eye Research; (16): 214-221, 1997	
		Li, J., Jester, J., Cavanagh, H., Black, T., Petroll, W., "On-Line 3-Dimensional Confocal Imaging In Vivo", Investigative Ophthalmology and Visual Science, Sept 2000, Vol. 41, No. 10, pp. 2945 - 2953	
		Liu, J., Bagherzadeh, M., Hitzengerger, C., Pircher, M., Zawadzki, R., Fercher, A., "Glucose dispersion measurement using white-light LCI", Coherence Domain Optical Methods and Optical Coherence Tomography in Biomedicine VII, Proceedings of the SPIE, Volume 4956, pp. 348-351 (2003)	
		March, W., "Analysis: A Noninvasive Ocular Glucose Sensor", Diabetes Technology & Therapeutics, Jun 2001, Vol. 3, No. 2: 209-210	
		March, W., Mueller, A., Herbrechtsmeier, P., "Clinical Trial of a Non-invasive Contact Lens Glucose Sensor", Diabetes Technology and Therapeutics, Vol. 6, No. 6, 2004, pp 782 - 789	
		March, W., Ochsner, K., Horna, J., "Intraocular Lens Glucose Sensor", Diabetes Technology & Therapeutics, May 2000, Vol. 2, No. 1: 27-30	
		Masters, B. and Bohnke, M., "Three-Dimensional Confocal Microscopy of the Living Human Eye", Annu. Rev. Biomed. Eng. 2002, 4:69-91	
		McLaren, J., Nau, C., Erie, J., Bourne, W., "Corneal Thickness Measurement by Confocal Microscopy, Ultrasound, and Scanning Slit Methods", American Journal of Ophthalmology, June 2004, pp. 1011 - 1020	
		McLaren, J., Nau, C., Erie, J., Bourne, W., "Corneal Thickness Measurement by Confocal Microscopy, Ultrasound, and Scanning Slit Methods", American Journal of Ophthalmology, February 2005, pp. 391-392, Editorial Response	
		Rawer, R., Stork, W., Kreiner, C., "Non-invasive polarimetric measurement of glucose concentration in the anterior chamber of the eye", Graefes Arch Clin Exp Ophthalmol (2004) 242: 1017 - 1023	
		Schrader W, Meuer P, Popp J, Kiefer W, Menzebach J-U, Schrader B "Non-invasive glucose determination in the human eye" Journal of Molecular Structure 2005; 735-736: 299-306	
		Sebag, J., Ansari, R., Dunker, S., Suh, K., "Dynamic Light Scattering of Diabetic Vitreopathy", Diabetes Technology and Therapeutics, Vol. 1, No. 2, 1999	
		Steffes P "Laser-based measurement of glucose in the ocular aqueous humor: an efficacious portal for determination of serum glucose levels" Diabetes Technology & Therapeutics 1999; 1: 129-133	

[illegible]